

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

Claims 1 and 2 are pending. No claims are amended and no new matter is added.

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Auge et al. (Tetrahedron Letters) in view of U.S. Patent No. 6,437,171 to Karph (" '171 Patent"). The '171 Patent is prior art only under 35 U.S.C. §102(e). The rejection is traversed.


Statement of Common Ownership

Pursuant to §§706.02(l)(1) and (2), Applicants make the following statement of common ownership: U.S. Application Serial No. 10/081,345 and the '171 Patent were, at the time the invention of U.S. Application Serial No. 10/081,345 was made, owned by Hoffmann-La Roche Inc. Therefore, the '171 Patent is disqualified as prior art and the Section 103(a) rejection is overcome.

Consequently, reconsideration and withdrawal of the Section 103(a) rejection are respectfully requested.

A Petition for Extension of Time - 1 month - is enclosed. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



Attorney for Applicant(s)
Samuel H. Megerditchian
Reg. No. 45,678
340 Kingsland Street
Nutley, NJ 07110
Telephone (973) 235-4391
Telefax: (973) 235-2363

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